

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8

In re the application of: Eric Victor Siegel, Eleazar Eskin, Alexander Day Chaffee and Zhi-Da Zhong

Serial No.: 09/808,911

Filed: March 14, 2001

For: ACCESS CONTROL PROTOCOL FOR USER PROFILE MANAGEMENT

Attorney Docket No.: KAQ-002

Group Art Unit:

Examiner:

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PETITIONS OFFICE

U.S. Patent and Trademark Office
Arlington, VA, 22202
Attn: Office of Petitions - Wan Laymon

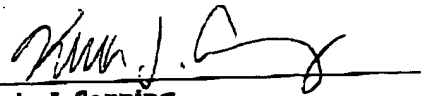
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June 7, 2002

Date of Signature and of Mail Deposit

By:


Kevin J. Canning
Reg. No. 35,470
Attorney for Applicants

REQUEST FOR RECONSIDERATION
OF PETITION PURSUANT TO 37 CFR §1.47(a)

Dear Sir:

The Applicants hereby request reconsideration of the petition that was submitted pursuant 37 CFR §1.47(a). The petition was dismissed because, "petitioner has not demonstrated with documented evidence that inventor Eric Victor Siegel refuses to join in the application after having been presented with the application papers (specification, claims, drawings and declaration)." As the attached declaration evidences inventor Eric Victor Siegel was presented a copy of the application and invited to execute a declaration

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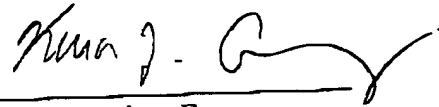
Attorney Docket No. KAQ-002

for the application. Mr. Siegel refuses to join in the application after having been presented with the application papers.

In view of the foregoing, Applicants request that the application be found acceptable pursuant to 37 C.F.R. 1.47(a) given the refusal of Eric Victor Siegel and the Alexander Day Chaffee to sign the Declaration, Petition, and Power of Attorney Document for the above-identified application.

No fees are believed due in connection with this petition. However, if additional fees are due, please charge our Deposit Order Account No. 12-0080. A duplicate of this letter is provided for this purpose.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



Kevin J. Canning, Esq.
Registration No. 35,470
Attorney for Applicants

28 State Street
Boston, MA 02109
(617) 227-7400
Date: June 7, 2002

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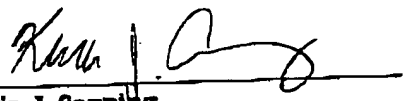
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Reg. No. 35,470
Attorney for Applicants

STATEMENT OF PERTINENT FACTS IN SUPPORT OF REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

The undersigned respectfully submits that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to Eric Victor Siegel for signature, as evidenced by attached Exhibit A. The application papers were sent via certified mail, return receipt requested, to the last known address of Mr. Siegel at 560 Riverside Drive, #13E, New York, New York, 10027. The certified mail receipt sent to Mr. Siegel (copy attached as part of Exhibit A) was signed and returned. Mr. Siegel has not signed and returned the declaration.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

Serial No. 09/808,911
Filed: March 14, 2001

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like so made are punishable by fine or imprisonment, or both under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Kevin J. Canning
Attorney for Applicants

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Date: June 7, 2002

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- AGENT IN NY OFF.
- AGENT IN TX OFF.

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
April 25, 2002

Eric V. Siegel
560 Riverside Drive, #13E
New York, New York, 10027

Re: Patent Application Serial No. 09/808,911
Entitled: ACCESS CONTROL PROTOCOL
FOR USER PROFILE MANAGEMENT
Filed: March 14, 2001
Inventors: Eric V. Siegel, et al.
Our Reference No. KAQ-002

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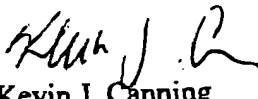
Dear Eric:

Further to our letters of March 26, 2001 and April 11, 2001, we enclose copies of the above-identified patent application, a Declaration, Petition and Power of Attorney, and an Assignment of this invention to Kargo, Inc.

Upon your review of the application and formal papers, please sign and date the documents and return them to us before **May 31, 2002**, so that we can file them with the U.S. Patent and Trademark Office.

If you have any questions or comments, please do not hesitate to contact us. Your failure to respond to this communication will constitute a refusal.

Cordially,
LAHIVE & COCKFIELD, LLP


Kevin J. Canning

KJC/rkm
Enclosures
cc: Harry Kargman (w/o enc.)

EXHIBIT A

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Eric W. Siegel
560 Riverside Drive #13E
New York, NY 10027

4a. Article Number
7000 1670 0011 7522 9271

4b. Service Type return receipt

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of delivery

8. Addressee's Address (only if requested and paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *[Signature]*

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NEW YORK, NY
2002

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To: Office of Petitions
Wan Laymon
Company: U.S. Patent and Trademark Office
Location: Arlington, VA 22202
Phone:
Fax: (703) 308-6916

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From: Kevin J. Canning, Esq.
Phone: (617) 227-7400
Fax: (617) 742-4214
Case No.: 09/808,911 (KAQ-002)

Date: 06/07/02

Sent By:

**Pages including this
cover page:** 7

Message:

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